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Human Rights Council
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Technical assistance and capacity-building

South Africa,* Sudan:† draft resolution

33/... Technical assistance and capacity-building to improve human rights in the Sudan

The Human Rights Council,

Guided by the principles and purposes of the Charter of the United Nations,

Recalling the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and other relevant international human rights instruments,

Recalling also General Assembly resolution 60/251 of 15 March 2006 and Human Rights Council resolutions 5/1 and 5/2 of 18 June 2007,

Taking note of the communique of 13 June 2016 of the Peace and Security Council of the African Union on the situation in Darfur, in which the Government of the Sudan is urged to spare no efforts to arrest and prosecute all perpetrators of criminal actions and attacks against personnel and assets of the African Union-United Nations Hybrid Operation in Darfur and against humanitarian organizations and their staff, and referring to the statement of 9 August 2016 by the Chairperson of the African Union Commission in which the parties are urged to ensure rapid progress in negotiations to achieve lasting, sustainable peace,

Emphasizing that States have the primary responsibility for the promotion and protection of all human rights,

Reaffirming the importance of peace, security and political stability for the realization of all civil, political, economic, social and cultural rights,

Welcoming the commitment of the Government of the Sudan to protect and promote human rights in the country,

* On behalf of the States Members of the United Nations that are members of the Group of African States.

† State not a member of the Human Rights Council.

‡ On behalf of the States Members of the United Nations that are members of the Group of Arab States.

Welcoming also the national strategy, which runs until 2018, for combating female genital mutilation in a generation, and urging its full implementation,

Noting the developments taking place in the Sudan and the record of the Government of the Sudan in the promotion and protection of human rights,

Welcoming the cooperation of the Government of the Sudan during the April 2016 visit by the Independent Expert on the situation of human rights in the Sudan and the November 2015 visit by the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights, and encouraging further cooperation by all parties with relevant mandate holders,

Welcoming also the adoption by the Government of the Sudan in March 2016 of an action plan signed by the Government and the United Nations to protect children in armed conflicts and to prevent the illegal recruitment and use of children by the security forces of the Government of the Sudan by strengthening mechanisms for the protection of children, and urging its full implementation,

Encouraging the efforts of the Government of the Sudan to implement the recommendations that it accepted as part of the universal periodic review process, encouraging freedom of movement, and expressing serious concern that the Government restricted the travel of individuals seeking to participate in the pre-session meeting in March 2016 relating to the universal periodic review of Sudan,

Emphasizing the need to ensure that humanitarian access is available and assistance is provided to internally displaced persons,

1. *Notes* the work of the Independent Expert on the situation of human rights in the Sudan, on providing technical assistance to the Sudan;

2. *Takes note* of the report of the Independent Expert submitted to the Human Rights Council at its thirty-third session,[1] and of the comments of the Government of the Sudan thereon;

3. *Notes with appreciation* the continued cooperation of the Government of the Sudan with the Independent Expert to enable him to fulfil his mandate, and the Government's stated commitment to continue that cooperation;

4. *Encourages* the process of conducting a comprehensive, national dialogue in the Sudan with a view to achieving sustainable peace, and encourages all Sudanese stakeholders to ensure an environment conducive to an inclusive, transparent and credible dialogue;

5. *Welcomes* the declarations by the Government of the Sudan of cessation of hostilities in the two areas, and of the end of the operations in Darfur in June 2016, and encourages all parties to create a conducive atmosphere for, and to sign, a permanent ceasefire, in order to achieve a lasting peace that is respected by all parties and that leads to a lasting improvement in the human rights situation;

6. *Recognizes* the efforts of the Government of the Sudan to implement the Doha Document for Peace in Darfur, and calls on the remaining armed groups to stop fighting, to engage in the peace process and to negotiate in good faith;

7. *Notes* the observation by the Independent Expert that despite some progress, the relevant parties have yet to implement many of the recommendations made in his report to the Human Rights Council at its thirtieth session, which included the following: for the

[1] A/HRC/33/65.

Government of the Sudan to continue deepening its efforts to combat impunity, to prevent the unlawful interference of government in the activities of civil society, for the Government to provide to the National Commission for Human Rights additional financial resources necessary to fulfil its mandate, to continue its efforts in the national dialogue to realize an inclusive, transparent process, and to work with all partners to facilitate humanitarian assistance; for the international community to enhance its technical cooperation with and assistance to the Government, to pursue efforts to support national dialogue, to continue to work closely with civil society stakeholders, and to provide internally displaced persons with humanitarian assistance; and for opposition armed movements in the Sudan to take concrete action towards implementing the recommendations by previous mandate holders, in particular with regard to respect for human rights and international humanitarian law;

8. *Commends* the commitment of the Government of the Sudan to reinforce human rights education and to continue to incorporate human rights principles in the education system, and encourages the Government to enhance its efforts to fully implement the national plan for the protection and promotion of human rights for 2013-2023;

9. *Notes with appreciation* the continued efforts made by the Government of the Sudan in combating human trafficking, and notes the establishment of the national commission for combating human trafficking;

10. *Notes* the establishment of the national commission for combating terrorism;

11. *Notes with appreciation* the hosting by the Sudan of hundreds of thousands of refugees from neighbouring countries and countries in the region;

12. *Encourages* the Government of the Sudan to further promote and protect the right to freedom of religion or belief, and in this respect to comply with its constitutional and international obligations;

13. *Stresses* that conducting investigations into alleged human rights abuses and violations by all parties and holding perpetrators accountable needs to be a foremost priority of the Government of the Sudan;

14. *Expresses serious concern* at reports of the closure of some non-governmental organizations and restrictions on the media, pre- and post-publication censorship, the seizure of newspapers and the banning of some journalists, and at reports of violations of the rights to freedom of expression, freedom of association and peaceful assembly, including of students, human rights defenders and members of civil society organizations;

15. *Urges* the Government of the Sudan to ensure safeguards against arbitrary arrests or detentions and to respect the human rights of all individuals, and expresses serious concern about alleged cases of arbitrary arrest and detention, including of students, human rights defenders and members of civil society organizations;

16. *Condemns* any party's violations or abuses of human rights and international humanitarian law reported in the States of Darfur, Southern Kordofan and Blue Nile, including civilian and humanitarian aid worker casualties, the indiscriminate bombing of humanitarian facilities, and sexual and gender-based violence, and urges all parties to resort to peace and to sign a permanent ceasefire;

17. *Urges* the Government of the Sudan to investigate allegations of human rights violations in the camps for internally displaced persons, with a view to ending such violations;

18. *Encourages* all parties to facilitate access to populations in need of humanitarian assistance, and encourages the Government of the Sudan to intensify its endeavours to address humanitarian needs in conflict-affected areas;

19. *Encourages* the Government of the Sudan to ratify international human rights instruments, as supported by the Government during the universal periodic review of the Sudan;

20. *Encourages* the commitment of the Government of the Sudan to comprehensive national legal reform initiatives to guarantee further full compliance of the State with its constitutional and international human rights obligations, such as provisions of the Criminal Act, of 1991, including those which redefine the offence of rape and dissociate it from adultery, and those which introduce the offence of sexual harassment; the promulgation and implementation of the Act on Combating Human Trafficking and the Smuggling of Persons, the Anti-Corruption Act, and the Act on the Rights of Persons with Disabilities; and the revision of the Press Act, the Community Protection Law at the state level, and the National Security Act;

21. *Urges* Member States, the United Nations High Commissioner for Human Rights, relevant United Nations agencies and other stakeholders to support the efforts of the Government of the Sudan in accordance with the present resolution with a view to further improving the human rights situation in the country, by responding to the Government's requests for technical assistance;

22. *Requests* the Office of the High Commissioner, taking into account the recommendations of the Independent Expert, to provide technical assistance and capacity-building in response to the request from the Government of the Sudan for support on ways to improve the human rights situation in the country and with a view to providing support for the country to fulfil its human rights obligations, including specifically assistance with the legal reforms under way in the country as described in paragraph 20 above so as to help to reconcile those laws with the international obligations of the Sudan;

23. *Notes* the human rights situation and the security situation in conflict-affected areas, particularly in the Darfur region and in the States of Southern Kordofan and Blue Nile, and the profoundly negative impact of this on civilians, in particular women and children, and encourages the Government of the Sudan to continue its cooperation in order to facilitate the visits of the Independent Expert to conflict zones, in fulfilment of his mandate;

24. *Decides* to extend by one year the mandate of the Independent Expert as Independent Expert on the provision of technical assistance for the Sudan, and requests the Independent Expert to report to the Council on the implementation of his mandate as regards technical assistance and capacity-building needs, at its thirty-sixth session, under agenda item 10, and to engage in a constructive manner with the Government of the Sudan, civil society and other relevant stakeholders for the further improvement of the human rights situation in the country;

25. *Calls upon* the Government of the Sudan to continue its full cooperation with the Independent Expert and to continue to permit effective access to visit all areas of the country, and to meet with all relevant actors;

26. *Requests* the High Commissioner to provide all necessary financial and human resources support to the Independent Expert for the implementation of the mandate;

27. *Calls upon* the Government of the Sudan to continue to cooperate with the Office of the High Commissioner in the implementation of the present resolution;

28. *Decides* to consider this issue under agenda item 10.